

**BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA**

**IN THE MATTER OF:**

Resolution of the City Council )  
of the City of Orinda Proclaiming )  
the Existence of a Local State of )  
Emergency )

Resolution No. 71-12

WHEREAS, Section 2.32.090 of the Orinda Municipal Code, empowers the City Manager/Director of Emergency Services to proclaim the existence or threatened existence of a local state of emergency when the City is affected by a public calamity; and

WHEREAS, a series of severe winter rainstorms began in northern California, bringing high winds and significant amounts of precipitation in Contra Costa County, and continued for several days, the last of which occurred on Sunday, December 2, 2012 but was complicated further by additional rain on Wednesday, December 5, 2012; and

WHEREAS, the rainstorms have caused the complete failure of the storm drain system located in the general vicinity of Tarabrook Drive and Evergreen Drive resulting in a road collapse, sinkhole, sanitary sewer line collapse, and private property flooding which presents a hazard to the members of the community and the neighbors who reside in the area; and

WHEREAS, the heavy rain storms caused the storm drain culvert system, generally located in the vicinity of Lavenida Lane and the Moraga Creek, to be compromised, threatening access for emergency services and resident access, and causing infrastructure problems; and

WHEREAS, it is expected that mitigating and repairing the damages caused by this storm drain system failure could potentially cost the City millions of dollars; and

WHEREAS, in addition to the road failure, the rainstorms caused multiple incidents involving the toppling of multiple large trees, and damage to roads, schools and other property throughout the City;

WHEREAS, the situation as described is an emergency event thereby not contemplated in the City of Orinda's Capital Improvement Budget and is beyond the City's ability to restore the system without compromising other priorities; and

WHEREAS, the City Council has been requested by the City Manager, acting as the Director of Emergency Services, to proclaim the existence of a local state of emergency;

WHEREAS, the City Council does hereby find that conditions of extreme peril to the safety of persons and property have arisen within the City of Orinda, as a result of the severe rain-storms and flooding, commencing on or about 9:00 a.m. December 2, 2012 through 3:00 p.m. on December 5, 2012; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local state of emergency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORINDA, DOES  
HEREBY PROCLAIM AND ORDER:**

Section 1. That a local state of emergency now exists throughout the City.

Section 2. That during the existence of said local state of emergency, the powers, functions, and duties of the City Manager and the Emergency Services System of the City shall be those prescribed by State Law, by Ordinances and Resolutions of the City, and by the City of Orinda Emergency Operations Plan.

Section 3. That said local state of emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council, and until such time, the City Council shall review, at regularly scheduled council meetings until the local emergency is terminated, the need for continuing the local emergency.

Section 4. That City staff is hereby authorized and directed to take any action that may be necessary or convenient to assist in obtaining federal, state or regional disaster/ emergency relief funding.

Section 5. That the City Manager or her designee is hereby designated as the authorized representative of the City of Orinda for the purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain county, state or federal relief assistance.

Section 6. The City Clerk shall forward a copy of this resolution to the Governor, to the California Office of Emergency Services, to the Contra Costa County Emergency Services Division, and to all other appropriate county, state and federal agencies with an interest therein.

Section 7. City staff is hereby authorized and directed to take any and all actions that they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution.

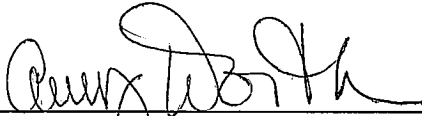
Section 8. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Orinda at a special meeting held on the 7th day of December 2012, by the following vote to wit:


AYES: Glazer, Severson, Smith and Mayor Worth

NOES: None

ABSENT: Orr (Excused)

  
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Amy Worth, Mayor  
City of Orinda, California

ATTEST:

  
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Michele Olsen, City Clerk